



IPW

S&H Form: (02/05)

# REPLY/AMENDMENT FEE TRANSMITTAL

Attorney Docket No.	1793.1220
Application Number	10/802,949
Filing Date	March 18, 2004
First Named Inventor	Kyung-hoon LEE et al.
Group Art Unit	1755
Examiner Name	Helene G. KLEMANSKI

AMOUNT ENCLOSED

0.00

## FEE CALCULATION (fees effective 12/08/04)

CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	17	- 20 =	0	X \$ 50.00 =	\$ 0.00
INDEPENDENT CLAIMS	3	- 3 =	0	X \$ 200.00 =	0.00

Since an Official Action set an original due date of December 3, 2005, petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$120)); (2 months (\$450)); (3 months (\$1,020)); (4 months (\$1,590)); (5 months (\$2,160)):

If Notice of Appeal is enclosed, add (\$500.00)

If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$130.00)

Information Disclosure Statement (Rule 1.17(p)) (\$180.00)

Total of above Calculations =

\$ 0.00

Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)

TOTAL FEES DUE =

\$ 0.00

(1) If entry (1) is less than entry (2), entry (3) is "0".

(2) If entry (2) is less than 20, change entry (2) to "20".

(4) If entry (4) is less than entry (5), entry (6) is "0".

(5) If entry (5) is less than 3, change entry (5) to "3".

## METHOD OF PAYMENT

- ☐ Check enclosed as payment.
- ☐ Charge "TOTAL FEES DUE" to the Deposit Account No. below.
- ☒ No payment is enclosed.

## GENERAL AUTHORIZATION

- ☒ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:

Deposit Account No.

19-3935

Deposit Account Name

STAAS & HALSEY LLP

- ☒ The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.

SUBMITTED BY: STAAS & HALSEY LLP

Typed Name Darleen J. Stockley

Reg. No. 34,257

Signature

*Darleen J. Stockley*

Date

December 2, 2005

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Docket No.: 1793.1220

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kyung-hoon LEE et al.

Serial No. 10/802,949

Group Art Unit: 1755

Confirmation No. 5165

Filed: March 18, 2004

Examiner: Helene G. KLEMANSKI

For: LIGHTFAST COLORANT AND LIGHTFAST INK COMPOSITION INCLUDING THE  
SAME

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed November 3, 2005, having a shortened period for response set to expire on December 3, 2005, the following remarks are provided.

I. **Provisional Election of Claims Pursuant to 37 CFR §1.142**

Applicants provisionally elect **Group I (claims 1-2)** in response to the restriction requirement set forth in the Office Action.

II. **Applicants Traverse the Requirement**

Insofar as Group II (claims 3-17) is concerned, it is believed that claims 3-17 are so closely related to elected claims 1-2 that they should remain in the same application. The elected claims 1-2 are directed to a benzophenone derivative compound (i.e., a lightfast colorant), and claims 3-17 are drawn to a lightfast ink composition containing a benzophenone derivative. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing claims for both the benzophenone derivative compound and the lightfast ink composition containing a benzophenone derivative in the same field of technology. While it is noted that the Examiner has identified different classifications for the benzophenone derivative compound and the lightfast ink composition containing a benzophenone derivative claims, it is believed that

classification is not conclusive on the question of restriction. It is believed, moreover, that evaluation of both sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Group II claims by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden to examine all claims.

### III. Conclusion

Upon review of references involved in this field of technology, when considering that the Group II claims (claims 3-17) are directed to a lightfast ink composition containing a benzophenone derivative, and the elected claims 1-2 are directed to a benzophenone derivative compound, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Response, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STAAS & HALSEY LLP

Date: December 3, 2005

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